



IFW 2143 \$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TAKITA

Atty. Ref.: 914-126

Serial No. 09/816,139

TC/A.U.: 2143

Filed: March 26, 2001

Examiner: G. Neurauter

For: SYSTEM, METHOD AND APPARATUS FOR RECEIVING AND
DISTRIBUTING CONTENT

* * * * *

October 16, 2006

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

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Applicants have checked the appropriate boxes below.

1. ☐ This Information Disclosure Statement is being filed within three months of the U.S. filing date OR before the mailing date of a first Office Action on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is required. In the event, a first Office Action has been mailed prior to filing of the present Information Disclosure Statement, the Office is requested to treat the present paper as a submission under 37 C.F.R. § 1.97(c) and charge the undersigned's Deposit Account No. 14-1140 for the fee required by 37 C.F.R. § 1.17(p). The present paper is submitted in duplicate for this purpose.

2. ☐ This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.

- a. ☐ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- c. ☐ Attached is our Check in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).
- d. ☐ Patent Term Adjustment

For purposes of patent term adjustment under 37 C.F.R §1.704, each item contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in Section

1.56(c) more than 30 days prior to the filing of the Information Disclosure Statement. 37 C.F.R. §1.704(d).

3. ☒ This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. It is hereby requested that the Information Disclosure Statement be considered. Attached is our check for \$180.00 in payment of the fee under 37 C.F.R. § 1.17(i).

a. ☒ I hereby state that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

b. ☐ I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

4. ☐ Relevance of the non-English language document(s) is discussed in the present specification.

5. ☒ The documents identified herein were cited in a search report dated September 15, 2006 for a counterpart European application. A copy of the search report is enclosed. The Real Audio "Release Notes" and "Server Administration" documents identified in the search report are already of record in this application. Applicants note that the URL for the "Release Notes" document in the search report is different than the URL for this document as cited in this application. Consequently, a copy of the "Release Notes" document corresponding to the URL in the search report is enclosed for the Examiner's convenient reference and this document is identified on the attached PTO-1449 form.

6. ☐ A concise explanation of the relevance of the non-English language document(s) appears below:

7. ☐ The Examiner's attention is directed to co-pending U.S. Patent Application Nos., which are directed to related technical subject matter. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

8. ☐ Copies of the documents were cited by or submitted to the Office in Application No. , filed , which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).


It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 14-1140 referencing docket number 914-126.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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INFORMATION DISCLOSURE
CITATION

ATTY. DOCKET NO.

SERIAL NO.

914-126

09/816,139

APPLICANT

TAKITA

FILING DATE

TC/A.U.

March 26, 2001

2143

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

FOR IDENTIFIED DOCUMENTS							TRANSLATION	
DOCUMENT			DATE	COUNTRY	CLASS	SUBCLASS	YES	NO
		99-36917	07/1999	WO				

OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)

	European Search Report for EP 01 10 8037 dated September 15, 2006.
	REALNETWORKS; "Release Notes: Real Audio Player 2.0 for Windows, Internet Article, February 11 1998; http://web.archive.org/web/19980211180823/http://service.real.com/help/player/win2.0/index.html .
	Progressive Networks, Inc. "RealAudio Server Administration and Content Creation Guide Version 3.0"; Internet Article, August 18, 1997; pages 1-292, XP002396985;
	Mohan R. et al., "Adapting Content to Client Resources in the Internet", Proceedings of the International Conference on Multimedia Computing and Systems, Los Alamitos, CA vol. 1, 7 June 1999, pages 302-307

***Examiner**

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.